

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:92CR14 |
| |) | |
| v. |) | |
| |) | |
| CLEVELAND JOHNSON, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on defendant's motions to reduce sentence and request for evidentiary hearing (Filing Nos. 1088 and 1115). The defendant seeks an evidentiary hearing regarding the application of recent Supreme Court decisions to a determination of his sentence. The Court finds defendant is not entitled to a modification of his sentence. Accordingly,

IT IS ORDERED:

- 1) The motions for modification of sentence are denied.
- 2) Defendant's request for evidentiary hearing and oral argument is denied.

DATED this 2nd day of December, 2009.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court